

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

ENTERED

NOV 12 2002

CLERK'S OFFICE
U. S. BANKRUPTCY COURT
DISTRICT OF MARYLAND
BALTIMORE

In re)	Chapter 11
)	
BALTIMORE EMERGENCY SERVICES II,)	Case Nos. 02-6-7576 (SD) through
LLC, <u>et al.</u> ,)	02-6-7815 (SD)
)	
Debtors.)	Jointly Administered
)	under Case No. 02-6-7584 (SD)

**INTERIM ORDER PURSUANT TO SECTIONS 105(a), 108, AND 362
OF THE BANKRUPTCY CODE PROHIBITING MEDICAL
MALPRACTICE INSURANCE CARRIERS FROM
TERMINATING MEDICAL MALPRACTICE INSURANCE POLICIES**

Upon the motion dated November 12, 2002 (the "Motion") of Baltimore Emergency Services II, LLC and its affiliated debtors set forth on Schedule A attached thereto (collectively, the "Debtors") for an order pursuant to sections 105(a), 108(b), 362(a) of title 11, United States Code (11 U.S.C. §§ 101 et seq., the "Bankruptcy Code") prohibiting their primary medical malpractice insurance carrier, Everest Indemnity Insurance Company, from terminating the Debtors' medical professional and general liability insurance policy No. 4700000013-021 (the "Everest Policy") and extending the cure period for nonpayment under the Everest Policy through and including 60 days after the Petition Date; and upon consideration of the Affidavit of Steven M. Scott M.D. in Support of First Day Motions and Applications sworn to on the 11th day of November, 2002; and it appearing that the Court has jurisdiction over this matter; and it appearing that due notice of the Motion as set forth therein is sufficient under the circumstances, and that no other or further notice need be provided; *except that this Order shall be promptly served on Everest by facsimile and regular mail.* and it further appearing that the relief requested in the Motion is in the best interests of the Debtors and their estates and creditors; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause

appearing therefor, it is this 12th day of November, 2002, by the United States Bankruptcy Court for the District of Maryland hereby:

ORDERED that the Motion is granted on an interim basis; and it is further

ORDERED that pursuant to section 362(a) of the Bankruptcy Code, Everest is enjoined and stayed from terminating the Everest Policy, and is hereby directed to continue honoring the Everest Policy without prejudice to either the Debtors or Everest until ~~at least five~~ ^{November 22,} 2002; ~~(5) days after the date upon which a hearing on the matter is held before the Court or such other time as the Court may direct, and its further~~ ^{it is}

ORDERED that Everest may file its response or objection to the Motion

ORDERED that on November 19, 2002, at 10:00 a.m., a hearing of the Motion shall be held; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.



E. Stephen Derby
United States Bankruptcy Judge

cc:

✓ Thomas E Lauria
John K. Cunningham
Samuel A. Schwartz
White & Case LLP
First Union Financial Center
200 South Biscayne Boulevard
49th Floor
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✓ Paul M. Nussbaum, Esquire
Martin T. Fletcher, Esquire
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7 Saint Paul Street, Suite 1400
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on or before 4:00 p.m. on Monday, November 18, 2002 and that any such response or objection must be served on Debtor's counsel so as to be received by 4:00 p.m. on November 18, 2002; and it is further

✓ Mark A. Neal, Esquire
Office of U.S. Trustee
300 West Pratt Street, Suite 350
Baltimore, Maryland 21201

✓ Service List

1457544

Case No 02-67584-SD

Copy of the attached order also sent to:

✓ Comptroller of Maryland
Compliance Division, Room 409
301 W. Preston St.
Baltimore, MD 21201-2383

✓ Internal Revenue Service
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31 Hopkins Plaza, Room 1150
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